

**AMENDED  
APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office APR 13 2004

Returned to applicant for correction MAY 04 2004

Corrected application filed MAY 28 2004

Map filed MAY 28 2004 under 71033

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The applicant **Stephen R. MacMillan** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.)

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1. The source of the proposed appropriation is **Spring**
2. The amount of water applied for is **0.1 cfs** second-feet
  - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Quasi-Municipal**
4. If use is for:
  - (a) Irrigation, state number of acres to be irrigated
  - (b) Stockwater, state number and kinds of animals to be watered
  - (c) Other use (describe fully under No. 12. "Remarks")
  - (d) Power:
    - (1) Horsepower developed
    - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **SW¼ SE¼ OF Section 21, T.22N., R.62E., M.D.B.&M., whence the southeast corner of said Section 21 bears S. 81°58'38" E., 1,476.71 feet distant.**
6. Place of Use **SW¼ SE¼ of Section 21, T.22N., R.62E., M.D.B.&M.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Trough & pipe in place will add pipe to structures.**
9. Estimated cost of works **\$5,000.00**
10. Estimated time required to construct works **3 years**
11. Estimated time required to complete the application of water to beneficial use **5 years**
12. Remarks:

By **s/Richard W. Forman**  
**Richard W. Forman Agent**  
**298 E. 11th Street**  
**Ely, Nevada 89301**

Compared cmf/sam 1t/gkl

Protested by Herbert E. Stathes on 8-2-04; by Gordon V. Foppiano on 8-2-04;  
 Pro. Overruled 1/12/2005 See Ruling #5469

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the .0022 c.f.s., herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The total combined duty of water under Permits 71033 and 71034 shall not exceed 3.18 acre-feet annually.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0022 cubic feet per second, but not to exceed 1.59 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

May 27, 2007

Proof of completion of work shall be filed on or before:

June 27, 2007

Water must be placed to beneficial use on or before:

May 27, 2010

Proof of the application of water to beneficial use shall be filed on or before:

June 27, 2010

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 27th day of May A.D. 2005

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_